IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
LETTERS PATENT APPEAL NO.30 OF 2003
IN
CONTEMPT PETITION NO.44 OF 2003
IN
WRIT PETITION NO.6741 OF 2002

Madhavi S. Vichare .... Appellant
Vs.
Sandesh J. Vichare .... Respondent/
Contemner

None present.

CORAM: R.M.S. KHANDEPARKAR &
ANOOP V. MOHTA, JJ.

DATED: JUNE 9, 2005

P.C:

None present. Perused the records. This appeal is filed against the order dated 3-2-2003 rejecting the application for contempt which was filed by the appellant being Contempt Petition No.44 of 2003. The impugned order states that:-

> "The order of which contempt is alleged can be executed under order 21 of C.P.C. This Court refrains from taking cognizance under the Contempt of Court Act. Petitioner is at liberty to take appropriate proceedings."

Obviously the contempt proceedings were rejected on the ground that the appellant had alternative efficacious

remedy for execution of the order in respect of which grievance was made about non-compliance thereof. That apart, in terms of Section 19 of the Contempt of Courts Act, 1971, appeal is maintainable at the instance of the contemner. There is no provision in the said Act for appeal at the instance of the complainant. Being so, there is no scope for interference in the impugned order in the letters patent appeal. Hence the appeal is dismissed.

(R.M.S. Khandeparkar, J.)

(Anoop V. Mohta, J.)